

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Hidekatsu IKEDA et al. Confirmation No.: 3032

Appl. No. : 10/599,706 Examiner: Not Yet Assigned

I.A. Filed : March 28, 2005 Group Art Unit : 3723

For : BENDING APPARATUS

COVER LETTER

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop PCT
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

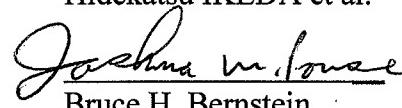
In response to the Decision (copy attached) of June 24, 2008, which set a one-month period of response until July 24, 2008, Applicants hereby submit:

- A Verification of Translation under 37 C.F.R. 1.69, verifying that the English language text in the Declaration filed on February 8, 2007 is an accurate translation of the Japanese language text in the Declaration filed on February 8, 2007.

The U.S. Patent and Trademark Office is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 19-0089.

Should the Examiner have any questions, he is invited to contact the undersigned at the below-listed number.

Respectfully submitted,
Hidekatsu IKEDA et al.


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July 17, 2008
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VERIFICATION OF TRANSLATION

I, Yukiko Toyoda Buntin

of 1950 Roland Clarke Place
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declare that I am well acquainted with both the Japanese and English languages, and that the English text included in the declaration filed on February 8, 2007 for Application No.: 10/599,706 is an accurate translation, to the best of my knowledge and ability, of the Japanese language text included therein.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-captioned application or any patent issued thereon.

Signature



Date

7-17-08

24 JUN 2008



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In re Application of
Ikeda et al.
Application No.: 10/599,706
PCT No.: PCT/JP2005/006533
Int. Filing Date: 28 March 2005
Priority Date: 06 April 2004
Attorney Docket No.: P30934
For: Bending Apparatus

DECISION

This is with regard to the correspondence filed on 09 April 2008.

BACKGROUND

This international application was filed on 28 March 2005, designated the United States, and claimed an earliest priority date of 06 April 2004. The International Bureau transmitted a copy of the published international application to the USPTO on 20 October 2005. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 06 October 2006. Applicants filed *inter alia* a small entity basic national fee on 05 October 2006.

On 08 February 2007, applicants filed *inter alia* a declaration.

On 05 June 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was transmitted to applicant, requiring an English translation, the processing fee under 37 CFR 1.492(i) and the surcharge under 37 CFR 1.492(h).

On 06 July 2007, applicants filed a response.

On 10 March 2008, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b), explaining that the "Third inventors name listed as Kazuhiro Kanno on declaration and as Kazuhiro Sugano on International Application. Please clarify."

DISCUSSION

Review of the record reveals that the published international application nominates "SUGANO, Kazuhiro" as the third inventor, whereas the declaration filed on 08 February 2007 names "Kazuhiro KANNO." Counsel explains this discrepancy as follows:

However, SUGANO, Kazuhiro was a transliteration error (MPEP § 201.03(b)) in the English language version of the PCT application filed upon entering the national stage in the U.S. in this matter, and should have been listed as KANNO, Kazuhiro. Thus, Applicants respectfully submit that the executed Declaration, including the name of the inventor, KANNO, Kazuhiro, which was filed in the Office on February 8, 2007, is correct and should be accepted.

MPEP 605.04(b) explains in part that

When a typographical or transliteration error in the spelling of an inventor's name is discovered during pendency of an application, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. However, applicants are strongly encouraged to use an application data sheet such that any patent to issue will reflect the correct spelling of the inventor's name. Without an application data sheet with the corrected spelling, any patent to issue is less likely to reflect the correct spelling since the spelling of the inventor's name is taken from the oath or declaration, or any subsequently filed application data sheet.

In view of counsel's characterization of the discrepancy as arising from a transliteration error, and indication that the correct name is in fact Kanno, it would be appropriate to accept the spelling as Kanno, as it appears on the declaration filed on 08 February 2007.

However, further review of the declaration reveals that it does not appear to have been made on a dual language form provided by the USPTO. 37 CFR 1.69(b) provides that

Unless the text of any oath or declaration in a language other than English is in a form provided by the Patent and Trademark Office or in accordance with PCT Rule 4.17(iv), it must be accompanied by an English translation together with a statement that the translation is accurate, except that in the case of an oath or declaration filed under § 1.63, the translation may be filed in the Office no later than two months from the date applicant is notified to file the translation.

In view of 37 CFR 1.69(b), applicants are required to provide a statement that the translation is accurate.

DECISION

The declaration filed on 08 February 2007 is NOT ACCEPTED, without prejudice, as described above..

A proper response must be filed within **ONE (1) MONTH** from the mail date of this decision. Extensions of time may NOT be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in ABANDONMENT.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

/George Dombroske/
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